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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/461,158 12/14/99 MILLER

A 042390.F6958

IM31/0509  
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EXAMINER

BROWN, C  
ART UNIT PAPER NUMBER1765  
DATE MAILED:

05/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/461,158</b>	Applicant(s) <b>Miller et al.</b>	Examiner <b>Charlotte A. Brown</b>	Art Unit <b>1765</b>	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>					
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>					
<b>Status</b> <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Apr 23, 2001</u></p> <p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>					
<b>Disposition of Claims</b> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-14</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-14</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>					
<b>Application Papers</b> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>					
<b>Priority under 35 U.S.C. § 119</b> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol>					
<p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>					
<b>Attachment(s)</b> <p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>					

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### **DETAILED ACTION**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mravic et al. (US 6,083,840)

Mravic discloses a chemical-mechanical polishing method for polishing a copper layer. A silicon dioxide layer is formed over a silicon substrate. Trenches are formed within the substrate. A diffusion barrier layer is formed over the structure. Suitable compounds for the diffusion barrier layer include titanium, tantalum nitride, and tantalum silicon nitride. This reads on the applicant's limitation of forming a copper diffusion barrier in the trenches. An overlayer of copper is deposited in the trenches and the vias. This reads on the applicant's limitation of depositing copper over the copper diffusion barrier and over a top surface of the dielectric layer. Chemical-mechanical polishing removes the copper overlayer to produce an integrated circuit portion (Column 4, lines 1-18). An aqueous slurry mixture is used which consists of propanoic acid, hydrogen peroxide, and fumed silica. The silica ( $\text{SiO}_2$ ) is 20% of the mixture. The slurry has a pH of 10.0. This reads on the applicant's limitation of polishing the copper with a high pH slurry. Chemical-mechanical polishing is performed with a downforce of 5 psi (Column 9, lines 52-67).

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Unlike the claimed invention, Mravic does not teach a method in which the copper film is polished with a slurry having a pH in such a range that a protective layer is formed over the film during polishing, but because the copper film is polished with a high pH slurry, it appears that a protective layer would inherently be formed.

3. Claims 6,8,9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mravic et al. (US 6,083,840).

The above cited dependent claims differ from Mravic by specifying various processing conditions. It is the Examiner's position that a person having ordinary skill in the art at the time of the claimed invention would have found it obvious to modify Mravic by using different processing parameters because same were known to be cause effective variables and routine experimentation would have been expected to optimize them.

Changes in temperature, concentrations, or other process conditions of an old process does not impart patentability unless the recited ranges are critical, i.e., they produce a new and unexpected result. *In re Aller et al.*, 105 USPQ 233.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (US 6,001,730 and 6,221,775)

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5. Any inquiry concerning this communication from the Examiner should be directed to Charlotte A. Brown whose telephone number is (703) 305-0727.

CAB

May 3, 2001

  
ROBERT KUNEMUND  
PRIMARY EXAMINER